DETAILED ACTION

1.   This action is responsive to the Applicant's response filed 4/01/08 and submission 6/5/08.

As indicated in Applicant's response, claims 1, 3-4, 6-17, 19-20, 22, 24-25, 27-38, 40-41 are pending in the office action.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3.   Authorization for this examiner's amendment was given in a telephone interview with Donald Muirhead, Reg. # 33,978 on 6/6/08.

The application has been amended as follows.

In the **CLAIMS**:

The claims have been amended according to the herein attached Claims amendment, namely, "AMENDMENT AND RESPONSE TO OFFICE ACTION SUPPLEMENTAL", provided as file "Amendments_60608.pdf".

In the **SPECIFICATIONS**:

The Specifications at pg. 7 has been amended according to the Specifications section of above attached Amendment, i.e. "Amendments_60608.pdf" herein attached.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

4.   Claims 1, 3-4, 7-15, 22, 24-25, and 28-36 are allowed.

The following is an examiner's statement of reasons for allowance.

The prior art taken separately or jointly does not suggest or teach the following features.

A method to determine volatility metric between first and second build version of a software, comprising: (i) extracting second build by processing the second version and software modules thereof being resulted from a compilation process, wherein the second build includes at least one of: name field, build number, date and time identifier, number of functions and modification information thereof; then registering said second build in a database; (ii) executing said second version of software and automatically determining runtime data, wherein the runtime data corresponds to information extracted and registered for the second version of the software; and based thereupon (iii) querying the database to retrieve the first build and the second build, determining a volatility metric about code change that has occurred between the first and second version, wherein the metric determination includes matching portions of the first and second build, including matching at least one of: date and time, build number, number of functions added or removed or modified in respective software version; as set forth in claim 1 and 22.

Leblang, USPN: 5,574, 898, discloses a database storing of build information and audit information, debug information respective of file of a version control system; enabling the developer to retrieve objects for checking out code and enlisting persisted objects for a target build. Leblang does not teach or suggest code volatility determination based on first and second build by way of registering of specific information related to translated modules of a given build version as set forth in (i); nor does Leblang disclose matching of build data regarding specific parameters as set forth in (iii) wherein the build information retrieved is based on runtime as set forth in (ii) to determine of number of functions added or removed or modified in respective software version.

Carver, USPN: 5,850,554, discloses propagating discrepancies among code version by way of marking so to incrementally adapt compilation resources; hence does not teach the very steps recited in (i) (ii) and (iii).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

June 06, 2008